

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CT-3150-BO

LAWRENCE VERLINE WILDER, SR.,
Plaintiff,

v.

UNITED STATES,
Defendants.

ORDER

On August 17, 2011, plaintiff filed a civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) [D.E. 1]. On September 23, 2011, he filed a motion for voluntary dismissal [D.E. 7]. The matter is ripe for determination.

Federal Rule of Civil Procedure 41(a)(1) allows for the dismissal of an action voluntarily by a plaintiff through the filing of a notice of dismissal any time before service by the adverse party of an answer or of a motion for summary judgment. As of this date, only the complaint has been filed. Thus, upon full review of the matter, the court finds it appropriate to ALLOW the stipulation for a voluntary dismissal without prejudice [D.E. 7] pursuant Rule 41(a)(1). In doing so the September 20, 2011, order requiring payment of the entire \$350.00 filing fee [D.E. 6] is VACATED and the monies collected, if any, must be returned to Wilder's trust fund account. The Clerk is DIRECTED to notify the Bureau of Prisons to cease drafting funds from Wilder's trust account for this case. Therefore, the Clerk is DIRECTED to CLOSE the case.

SO ORDERED, this the 26 day of September 2011.

Terence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE